REMARKS

Claims 1 - 10 and 30 - 39 remain active in this application. Claims 11 - 29 have been canceled without prejudice or disclaimer. Amendment of claims 1, 6, 10, 30, 35 and 39 has been requested to improve descriptiveness and clarity. Support for the amendments of the claims is found throughout the application, particularly in Figure 3A and the description of the invention on pages 7 - 12 of the specification as originally filed. No new matter has been introduced into the application. The withdrawal of previous grounds of rejection under 35 U.S.C. §112, first and second paragraphs is noted with appreciation.

The Examiner has adhered to the requirement for restriction and made the requirement final. Accordingly, claims 11 - 29 have been canceled without disclaimer or prejudice to further pursuit of the subject matter thereof in a divisional application.

Claims 30 - 39 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This ground of rejection is respectfully traversed as being moot in view of the amendments requested above which clarify the "system" that is referenced. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 10 and 30 - 39 have again been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This ground of rejection is again traversed for the reasons of record which are hereby fully incorporated by reference and, particularly, as having been rendered moot by the amendments requested above.

Specifically, the Examiner now asserts that the functional modules claimed (but without mention of their claimed interaction) which the Examiner admits to constitute an apparatus appear to lack physical components and thus can be construed as software *per se*. This position taken by the Examiner is respectfully submitted to be in error since software *per se* would be incapable of the claimed functions or interactions performed by the recited modules but would require execution on a computer or data processing circuitry in order to be operative in the manner claimed. Thus, the modules are clearly not only tied to the hardware which they configure to carry out such functions but, in combination, constitute a useful and operative apparatus. See also In re Prater & Wei, cited in the previous response. Nevertheless, in an effort to satisfy the Examiner, all independent claims in the application have been amended to explicitly state that the modules claimed are embodied by one or more programmed computers or a workstation or in ASICs or component circuits.

Further in this regard, it is respectfully submitted that the Examiner's assertion that the claims are non-statutory because they are directed to "functional descriptive material" is also in error. *Non*-functional descriptive material is considered to be necessarily non-statutory while *functional* descriptive material, to which the Examiner asserts the claims to be directed, may or may not be statutory subject matter and, when properly analyzed, particularly in regard to the recited functions of the recited modules and their interactions and the overall apparatus they constitute, should be deemed manifestly statutory subject matter.

Accordingly, it is respectfully submitted that this ground of rejection is clearly in error and untenable in

regard to the claims as currently rejected or as amended
as requested above. The requested amendatory language
clearly and unambiguously ties the claimed subject matter
to a particular hardware device, fully answering the
Examiner's current criticisms which are also respectfully
submitted not to be well-taken. Therefore,
reconsideration and withdrawal of this ground of
rejection is respectfully requested.

Claims 1 - 10 and 30 - 39 have again been rejected
under 35 U.S.C. §103 as being unpatentable over Van Huben
et al. in view of Williams et al. This ground of
rejection is also respectfully traversed for the reasons
of record which are hereby fully incorporated by
reference and the further remarks provided below.

The invention provides a substantial enhancement to
enterprise and collaborative engineering types of systems
where numerous persons with different skill sets and
expertise are working in parallel on a given project by
providing notification of the availability of information
as it is stored in a comprehensive library for collection
of data developed by those persons upon storage of the
data but limiting the data routing and notifications to
those persons, organizations and departments to whom the
data is relevant. this limitation of distribution is
performed in several ways: by converting the information
of documents produced into data objects in the form of
"document strings" by a lexical analysis (e.g. by
punctuation, markers and the like) and then parsing the
data objects to determine their individual content
whereby routing may be coarsely controlled in accordance
with business rules; by determining and eliminating root
causes for receipt of unwanted data by a group,
organization or department and by setting trigger
criteria by the owner or a user of the data to cause

delivery of information that may contain data of interest
which would not otherwise be delivered under the business
rules. These latter two techniques are substantially
complementary and essentially deal with exceptions to the
coarsely defined distribution and routing specified in
the "business rules" even though the "business rules" may
be as fine-grained as desired. The business rules, in
turn, are a group of criteria which specify how the
enterprise is to be conducted such as the relevance to or
linkage between persons, organizations and departments
which are differently tasked but whose work output may
affect decisions and work output of other persons,
organizations and departments, determination or whether
or not performance requirements are being adequately
satisfied and the like. Thus, the vast majority of data
or documents that may be needed by any member of the
enterprise may be accessed in accordance with respective
data objects which are distributed with a high degree of
selectivity and accuracy of relevance to the task(s) of
any member of the enterprise very shortly following the
moment at which the data/document is created or becomes
available to the enterprise. Complications due to use of
different hardware or software in different parts of the
enterprise which may not be compatible with each other
are avoided by collecting and storing data or documents
in their native format but then dividing the documents
into data objects through lexical analysis and then
parsing the data objects to determine their individual
content for purposes of accessing the data or document
and then providing the data or document in a standardized
format, if necessary when accessed by a user.

      These meritorious functions are achieved, as
claimed, by providing a first or open architecture module
which receives and provides data in the native format

(whatever that format might be) as it is produced by the
hardware/software utilized by any given enterprise member
(e.g. the "open architecture" module provides
accommodation of any equipment used by any member of the
enterprise); providing a second or "autonomous agent"
module that "autonomously" collects the data provided by
the open architecture module and, additionally, provides
for the specification and storage (e.g. "setting and
warehousing") of the business rules (e.g. including
coarse data object routing information) and trigger
criteria (e.g. fine or exceptional data object routing
information) and thus essentially provides input to the
third or "workflow manager" module which manages the
storage of the data provided from the open architecture
module and collected by the autonomous agent module and,
when the data is stored and after the data or documents
are divided into respective data objects and parsed to
determine their content, routes notifications to selected
members of the enterprise in accordance with business
rules in accordance with the content of the data objects
(routing based on trigger criteria being performed by the
autonomous agent module while undesired data objects are
separately analyzed for elimination by the root cause
analyzer module).

Van Huben et al., while being directed to an
enterprise system, appears to be directed to a very
different functionality of establishing a hierarchy of
libraries (without limit) such that private libraries of
apparently arbitrary user-selected documents are
available to users (e.g. to avoid "bottlenecks" in
accessing a particular server to obtain a particular
document and to avoid a need for controls within a given
user's workspace) and public libraries which contains the
data resulting from the collaboration which is subjected

to progressively tighter controls for verifying
consistency of content and satisfaction of design
criteria through various engineering and release levels
as data is "promoted" from level to level which denote
respective degrees of quality of the design (see column
13, line 43). Thus, routing of data in Van Huben et al.
is largely directed to the testing and verification of
data as it is "promoted" toward a final form or version
where the "promotion" is based on testing of the content
against design criteria rather than routing of data
objects to users to whose tasks the underlying data may
be relevant or of interest in near real time as the
underlying documents are created and stored to be
accessible by enterprise members.

Thus, for example, the "data types" and the passage
of column 11 of Van Huben et al. relied upon by the
Examiner have essentially nothing to do with the claimed
function of the "open architecture module". The passage
of column 11 merely describes the fields displayed in the
interface for establishing an "anchor" file name for a
design and various attributes thereof (which does not
answer the recitations of an interface for accessing the
respective modules, as recited in claims 1 and 30).
"Data Types (section 1.3)" simply describes the
segregation of different *file* types which may require
different amounts of design control for versioning and
level tracking and tracking data types *from* particular
sources so that different controls may be applied.

In regard to the autonomous agent module, the
Examiner dismisses and accords no patentable weight to
the recited function thereof as an "intended use" and
essentially asserts that "design rules" are "business
rules" notwithstanding that the "design rules" do not
answer even the type of control for which they are used

by the "workflow manager module" as must be considered in
the course of considering the claimed subject matter as a
whole.

In regard to the recitations of functions of the
workflow manager module, the Examiner equates the data
manager of Van Huben et al. thereto and asserts that it
"enforces rules for types of data, locations, access,
control and the like" while remaining silent or noting a
function not corresponding to the functions explicitly
recited; with which the asserted functions of the data
manager have nothing to do. Similarly, the Examiner
further notes "library management" controlling ownership
of the data and notification of task completion but is
silent as to the explicit claim recitations (as currently
rejected or amended as requested) of

> "storage of said data gathered by said first
> module and, upon said storage, delivering data
> objects derived by lexical analysis ~~from~~
> <u>dividing</u> said data provided by said first
> module <u>into document strings</u> ~~and delivering~~
> ~~said data objects~~ to selected ones of said
> individual departments, organizations and
> individuals <u>in accordance with said business</u>
> <u>rules</u> based on semantic parsing of said data
> objects ~~and said business rules~~".

The above recitations in regard to three modules
which support the principal functions of the invention
are common to all independent claims in the application
and, as has been demonstrated above, *none* of these
recitations are answered by Van Huben et al. Such
fundamental deficiencies of Van Huben et al. in regard to
each of the basic modules and the interface supporting
the basic meritorious functions of the invention are not
mitigated by Williams et al. and the Examiner does not

assert that they are; the Examiner citing Williams et al.
solely for the teaching of data mining.

Therefore, it is again respectfully submitted that
no *prima facie* demonstration of obviousness has been or
can be made based on the teachings, suggestions or the
level of ordinary skill in the art discernible from Van
Huben et al. and Williams et al. The combination of the
two references does not answer even the individual module
recitations discussed above, much less their explicitly
recited interaction, or lead to an expectation of success
in achieving the meritorious functions of the invention.
Moreover, since the combination and interaction of the
modules, as claimed has not been addressed by the
Examiner as noted above, the Examiner's position does not
consider the claimed subject matter as a whole (while
dismissing some recitations of particular functions as
merely statements of intended use). Therefore, it is
respectfully submitted that the ground of rejection based
on Van Huben et al. and Williams et al. is clearly in
error and untenable and, upon reconsideration, should be
withdrawn. Accordingly such action is respectfully
requested.

Since all rejections, objections and requirements
contained in the outstanding official action have been
fully answered and shown to be in error and/or
inapplicable to the present claims, it is respectfully
submitted that reconsideration is now in order under the
provisions of 37 C.F.R. §1.111(b) and such
reconsideration is respectfully requested. Upon
reconsideration, it is also respectfully submitted that
this application is in condition for allowance and such
action is therefore respectfully requested.

If an extension of time is required for this
response to be considered as being timely filed, a

conditional petition is hereby made for such extension of
time. Please charge any deficiencies in fees and credit
any overpayment of fees to Attorney's Deposit Account No.
50-2041.

                        Respectfully submitted,

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